

MONDAY, MAY 19, 1997

FORTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Wayne Benson, Fairfield Glade United Methodist Church, Crossville, Tennessee.

Representative Walker led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hassell; personal business

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 94: Rep(s). U. Jones as prime sponsor(s).

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Bill No. 347: Rep(s). Naifeh, Davis, Goins, Walker and Huskey as prime sponsor(s).

House Bill No. 787: Rep(s). Kent and Cole (Carter) as prime sponsor(s).

House Bill No. 988: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 1206: Rep(s). Langster as prime sponsor(s).

House Bill No. 1307: Rep(s). McDonald, Stamps, McMillan, Bone, Boyer, Kent, Whitson, Winningham, Bittle, Cole (Carter), Fitzhugh, White, Sands, Maddox, Naifeh, Cooper, Givens, Pleasant, Walker, Odom, Pinion, Godsey, Tidwell, Stulce, Jackson, Mumpower, Hargrove, Arriola, Langster, Hargett, Hood, Goins, Chumney, Turner (Hamilton), Phillips, Sargent and Dunn as prime sponsor(s).

House Bill No. 1731: Rep(s). Caldwell, Maddox, Fitzhugh and White as prime sponsor(s).

House Bill No. 2007: Rep(s). Walley as prime sponsor(s).

REPORT OF CHIEF ENGROSSING CLERK

May 16, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 300, 1495, 1967 and 1993; also, House Joint Resolution(s) No(s). 131, 241, 243, 245, 246, 247, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 273, 274, 275, 276 and 277.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 16, 1997

The Speaker signed the following: Senate Bill(s) No(s). 736, 768, 886, 1281, 1343, 1368, 1369 1718 and 1818; also, Senate Joint Resolution(s) No(s). 129, 245, 249, 252, 253, 254, 255, 268, 269, 270 and 273.

MESSAGE FROM THE GOVERNOR

May 16, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 131, 132, 241, 243, 245, 246, 247, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 273, 274, 275, 276 and 277, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291 and 292; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 280 -- Memorials, Academic Achievement - Jennifer Brooke Huddleston, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 281 -- Memorials, Academic Achievement - Meredith Inman, Valedictorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 282 -- Memorials, Academic Achievement - Leanna Estep, Valedictorian, Byrns High School. by *Graves.

Senate Joint Resolution No. 283 -- Memorials, Academic Achievement - Jill Vogle, Salutatorian, Byrns High School. by *Graves.

Senate Joint Resolution No. 284 -- Memorials, Academic Achievement - Allison Miller, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 285 -- Memorials, Academic Achievement - Brienna Deshea Coleman, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 286 -- Memorials, Academic Achievement - Angela Kae Wilhite, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 287 -- Memorials, Academic Achievement - Jennifer Holston, Valedictorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 288 -- Memorials, Academic Achievement - Jill Blackford, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 289 -- Memorials, Academic Achievement - David Dempsey, Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 290 -- Memorials, Academic Achievement - Tabitha Lynn Lauderdale, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 291 -- Memorials, Academic Achievement - Jamie Bailey, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 292 -- Memorials, Academic Achievement - Daniel Corban, Salutatorian, East Robertson High School. by *Graves.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 217, 231, 233, 250, 251, 257, 258, 261, 262, 263, 264, 266, 267, 271, 272 and 274; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 217** -- General Assembly, Confirmation of Appointment - Dr. Semella Junior Spence, Registry of Election Finance. by *Harper.

Senate Joint Resolution No. 231 -- General Assembly, Confirmation of Appointment - Robert J. Booker, Registry of Election Finance. by *Gilbert.

***Senate Joint Resolution No. 233** -- General Assembly, Confirmation of Appointment - Karen Dunavant, Registry of Election Finance. by *Person, *Kyle, *Leatherwood, *Cohen, *Dixon, *Ford J, *Henry.

Senate Joint Resolution No. 250 -- Memorials, Sports - Waynesboro Middle School girls' basketball team. by *Wilder.

Senate Joint Resolution No. 251 -- Memorials, Sports - Collinwood High School Trojanettes. by *Wilder.

Senate Joint Resolution No. 257 -- Memorials, Public Service - Kelly Tolson, Executive Director, Tennessee 200. by *Henry, *Herron, *Kyle, *Haynes, *Dixon, *Harper, *Jordan.

Senate Joint Resolution No. 258 -- Memorials, Public Service - Martha Ingram, Chair, Bicentennial Commission. by *Henry, *Womack, *Herron, *Kyle, *Cohen, *Rochelle, *Haynes, *Dixon, *Harper, *Jordan.

Senate Joint Resolution No. 261 -- Memorials, Interns - Ms. Glenda Hawkins. by *Haun, *Rochelle.

Senate Joint Resolution No. 262 -- Memorials, Recognition and Thanks - Carol Marin. by *Cohen, *Cooper, *Springer, *Womack.

Senate Joint Resolution No. 263 -- Memorials, Personal Achievement - Cherrie Pardue Holden, Chief Justice of University of Memphis Student Court. by *Person, *Leatherwood, *Kyle, *Cohen, *Dixon.

Senate Joint Resolution No. 264 -- Memorials, Professional Achievement - Dennis F. Dycus, Director of Municipal Audit for Comptroller, AGA's National Education and Training Award. by *Henry, *Jordan, *Graves, *Rochelle, *Haynes, *Dixon.

Senate Joint Resolution No. 266 -- Memorials, Public Service - Ada Mary Grogan. by *Wilder, *Herron.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 267 -- Memorials, Professional Achievement - Charles W. Davidson. by *Haynes.

Senate Joint Resolution No. 271 -- Memorials, Death - Jeff Dye. by *Springer, *Graves, *Womack, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

Senate Joint Resolution No. 272 -- Memorials, Congratulations - Lenior City, 90th birthday. by *Miller J.

Senate Joint Resolution No. 274 -- Memorials, Recognition and Thanks - Overton High School Concert Band, Overton High School Jazz Band. by *Cohen, *Kyle.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 21, 1997:

House Resolution No. 85 -- Memorials, Interns - Cheryl L. Gamble. by *Buck, *Jackson, *McMillan.

House Resolution No. 86 -- Memorials, Interns - Scottie Swanner. by *Dunn.

House Resolution No. 87 -- Memorials, Sports - Kip House and Chris Fultz, near perfect bowlers. by *Goins.

House Joint Resolution No. 308 -- Memorials, Recognition and Thanks - "Chipping of the Green" recycling program. by *Westmoreland.

House Joint Resolution No. 310 -- Memorials, Interns - Hollye Rabecca Cross. by *DeBerry L.

House Joint Resolution No. 311 -- Memorials, Interns - Cristal Noe'l Powell. by *DeBerry L.

House Joint Resolution No. 312 -- Memorials, Interns - Katherine Glasgow. by *Hargett, *Pleasant, *Haley, *Kent.

House Joint Resolution No. 313 -- Memorials, Academic Achievement - Chase E. Lindsey. by *Ford S.

House Joint Resolution No. 314 -- Memorials, Academic Achievement - Lance W. Saunders, Morristown-Hamblen High School West academic honors student. by *Ford S.

House Joint Resolution No. 315 -- Memorials, Academic Achievement - Kendrick Byron Smith, Morristown-Hamblen High School top student. by *Ford S.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 316 -- Memorials, Death - Rilla Marianelli. by *West.

House Joint Resolution No. 317 -- Memorials, Personal Occasion - Don Stone, 90th birthday. by *McDonald.

House Joint Resolution No. 320 -- Memorials, Interns - Adrian E. Liles. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 321 -- Memorials, Interns - Tara Gilbert. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 322 -- Memorials, Academic Achievement - Wendell Garner Turner, first place, Cumberland Elementary Second Grade spelling bee. by *Langster, *DeBerry L, *Armstrong, *Jones U (Shelby), *West, *Jones, S., *Pruitt, *Garrett, *Boner, *Hargrove.

House Joint Resolution No. 324 -- Memorials, Academic Achievement - Nedja Bray, National Young Scholar. by *Burchett.

House Joint Resolution No. 325 -- Memorials, Personal Occasion - Lowell A. Bogle, 100th birthday. by *Beavers, *Bone.

House Joint Resolution No. 326 -- Memorials, Interns - Gina Danese Wheat. by *Beavers.

House Joint Resolution No. 327 -- Memorials, Sports - J. Frank White Academy boys' basketball team, TSSAA Class A substate level. by *Goins.

House Joint Resolution No. 328 -- Memorials, Academic Achievement - Abbey DeBusk, Claiborne County Spelling Bee Winner. by *Goins.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 21, 1997:

Senate Joint Resolution No. 250 -- Memorials, Sports - Waynesboro Middle School girls' basketball team. by *Wilder.

Senate Joint Resolution No. 251 -- Memorials, Sports - Collinwood High School Trojanettes. by *Wilder.

Senate Joint Resolution No. 257 -- Memorials, Public Service - Kelly Tolson, Executive Director, Tennessee 200. by *Henry, *Herron, *Kyle, *Haynes, *Dixon, *Harper, *Jordan.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 258 -- Memorials, Public Service - Martha Ingram, Chair, Bicentennial Commission. by *Henry, *Womack, *Herron, *Kyle, *Cohen, *Rochelle, *Haynes, *Dixon, *Harper, *Jordan.

Senate Joint Resolution No. 261 -- Memorials, Interns - Ms. Glenda Hawkins. by *Haun, *Rochelle.

Senate Joint Resolution No. 262 -- Memorials, Recognition and Thanks - Carol Marin. by *Cohen, *Cooper, *Springer, *Womack.

Senate Joint Resolution No. 263 -- Memorials, Personal Achievement - Cherrie Pardue Holden, Chief Justice of University of Memphis Student Court. by *Person, *Leatherwood, *Kyle, *Cohen, *Dixon.

Senate Joint Resolution No. 264 -- Memorials, Professional Achievement - Dennis F. Dycus, Director of Municipal Audit for Comptroller, AGA's National Education and Training Award. by *Henry, *Jordan, *Graves, *Rochelle, *Haynes, *Dixon.

Senate Joint Resolution No. 266 -- Memorials, Public Service - Ada Mary Grogan. by *Wilder, *Herron.

Senate Joint Resolution No. 267 -- Memorials, Professional Achievement - Charles W. Davidson. by *Haynes.

Senate Joint Resolution No. 271 -- Memorials, Death - Jeff Dye. by *Springer, *Graves, *Womack, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

Senate Joint Resolution No. 272 -- Memorials, Congratulations - Lenior City, 90th birthday. by *Miller J.

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MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

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Senate Joint Resolution No. 286 -- Memorials, Academic Achievement - Angela Kae Wilhite, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 287 -- Memorials, Academic Achievement - Jennifer Holston, Valedictorian, East Robertson High School. by *Graves.

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Senate Joint Resolution No. 289 -- Memorials, Academic Achievement - David Dempsey, Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 290 -- Memorials, Academic Achievement - Tabitha Lynn Lauderdale, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 291 -- Memorials, Academic Achievement - Jamie Bailey, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 292 -- Memorials, Academic Achievement - Daniel Corban, Salutatorian, East Robertson High School. by *Graves.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1996** -- Regional Authorities - Expands jurisdiction of Carroll County Watershed Authority Amends TCA. by *Phelan.

House Bill No. 2014 -- Paris - At the request of Paris special school district board, authorizes issuance of \$3 million in bonds by district for construction of new school building. Amends Chapter 150 of the Private Acts of 1919. by *Ridgeway.

House Bill No. 2015 -- Monterey - Subject to approval by referendum, revises city charter to extend current terms of mayor and aldermen to August 2000 general election so that two year terms would run from that election instead of December election. Amends Chapter 492 of the Acts of 1901. by *Hargrove.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 426** -- Motor Vehicles - Prohibits use of red flashing lights or red lights in combination with blue lights by anyone but full time or volunteer firefighter Amends TCA Title 55, Chapter 9. by *Dixon. (HB557)

***Senate Bill No. 626** -- Real Estate Agents and Brokers - Enacts "Commercial Real Estate Broker Protection Act." Amends TCA Title 62. by *Davis L. (HB529)

Senate Bill No. 926 -- DUI/DWI Offenses - Removes defense that defendant not notified of enhancement provisions for subsequent convictions at time of first or previous conviction. Amends TCA Title 55, Chapter 10, Part 4. by *Miller J. (*HB577)

***Senate Bill No. 1375** -- Workers' Compensation - Requires workers' compensation carrier to obtain settling litigant's release of all related tort claims against employer or assume liability for such claims Amends TCA Title 50, Chapter 6, Part 4 and Title 56. by *Wilder. (HB1019)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2011 -- Hawkins County -- Local Bill Held on House Desk

House Bill No. 2012 -- Giles County -- Local Bill Held on House Desk

House Bill No. 2013 -- Nolensville -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 1206 -- Vocational Training and Rehabilitation - Establishes pilot project to provide free computer training for unemployed persons. by *Jones, S.. (*SB1252 by *Springer)

House Bill No. 1593 -- Tort Liability - Grants immunity to local governments using juvenile offenders for community service work if due care used in supervision Amends TCA Section 37-1-131(a)(7). by *McMillan, *Fowlkes, *Givens, *Ridgeway, *Kent, *Cross, *Davidson. (*SB473 by *Haynes)

House Bill No. 1648 -- Criminal Offenses - Prohibits felons from installing or modifying or servicing on property of another person any burglar alarm system. Amends TCA Title 39, Chapter 14, Part 4 and Title 62, Chapter 32, Part 3. by *Godsey, *Pleasant, *Haley, *Hargett. (*SB1759 by *Ramsey)

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Bill No. 1722 -- Real Estate Agents and Brokers - Requires real estate appraisers to undergo two years of service as real estate appraiser trainee. Amends TCA Section 62-39-304. by *West, *Cole (Carter). (*SB1575 by *Rochelle)

***House Bill No. 1945** -- Utilities, Utility Districts - Establishes separate water and natural gas utility districts for Unicoi County. Amends TCA Section 7-82-307. by *Whitson, *Winningham, *Davis R. (SB1951 by *Haun)

House Bill No. 1950 -- Clarksville - Subject to local approval, permits operation of own telecommunications utility. Amends Chapter 292 of the Private Acts of 1957. by *Head, *McMillan. (SB1953 by *Kurita)

House Bill No. 1997 -- Tipton County - Subject to local approval, effective September 1, 1998, sets annual compensation of general sessions judge same as provided by law for chancellors and circuit court judges. Amends Chapter 193 of the Private Acts of 1951, as amended. by *Naifeh. (SB2009 by *Leatherwood)

House Bill No. 1998 -- Monroe County - Subject to local approval, authorizes imposition of litigation fee to fund law library commission. by *McKee, *Gunnels.

House Bill No. 1999 -- Humboldt - Subject to local approval, revises salary of aldermen. Amends Chapter 253 of the Private Acts of 1978; as amended. by *Phelan. (SB2010 by *Carter)

House Bill No. 2000 -- Hornbeak - Subject to local approval, rewrites charter. - Repeals Chapter 692, Private Acts of 1923, as amended. by *Pinion. (*SB2007 by *Herron)

House Bill No. 2002 -- Tipton County - Subject to local approval, repeals authority for trust fund for certain medical services. by *Naifeh. (SB2011 by *Leatherwood)

House Bill No. 2003 -- Henry County - Subject to local approval, authorizes Paris and Henry County to jointly operate animal shelter. by *Ridgeway. (SB2023 by *Herron)

House Bill No. 2004 -- School Districts, Special - At request of West Carroll Special School District board of trustees, continues existing tax of 67 cents per \$100 on taxable property in district. Amends Chapter 109 of the Private Acts of 1981; as amended. by *Phelan. (SB2018 by *Carter)

House Bill No. 2007 -- Fayette County - Subject to local approval, sets salary of general sessions court judge. by *Naifeh. (SB2012 by *Wilder)

House Bill No. 2008 -- Johnson City - Subject to local approval, authorizes advisory referendum on whether to have zoning plan. by *Mumpower. (SB2021 by *Crowe)

House Bill No. 2009 -- Sullivan County - Subject to local approval, makes county attorney position full time. Amends Chapter 609, Private Acts of 1935, as amended. by *Westmoreland. (SB2020 by *Ramsey)

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Bill No. 2010 -- Anderson County - Subject to local approval, implements severance tax on pulpwood. by *Caldwell. (SB1992 by *McNally)

House Joint Resolution No. 306 -- Memorials, Sports - 1996-1997 Midway Elementary School girls' basketball team. by *Goins.

House Joint Resolution No. 307 -- Memorials, Academic Achievement - Crystal Baker, 1997 Union County spelling bee winner. by *Goins.

***Senate Joint Resolution No. 154** -- Memorials, Congress - Urges designation of Y-12 plant in Oak Ridge as National Prototype Center. by *McNally, *Davis L, *Henry.

Senate Joint Resolution No. 275 -- Memorials, Academic Achievement - Rebecca Ann Sinclair, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 276 -- Memorials, Academic Achievement - Sabrina Phillips, Salutatorian, Gallatin High School. by *Graves.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1722: by Rep. West

House Bill No. 2000: by Rep. Pinion

Under the rules, House Bill No. 1722 and 2000 was/were placed at the foot of the calendar for May 21, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley,

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1427 -- Telecommunications - Authorizes municipal electric plant to own, acquire, improve, operate, lease, and maintain telecommunications services consistent with Federal Telecommunications Act of 1996. by *Rhinehart, *Kisber, *Phelan, *Lewis. (*SB1064 by *Haynes)

Rep. Rhinehart moved that House Bill No. 1427 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1427 by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, is amended by adding Sections 2, 3 and 4 hereof as a new part.

SECTION 2. Every municipality operating an electric plant whether pursuant to this chapter or any other public or private act or the provisions of the charter of a municipality, county, or metropolitan government, has the power, and is authorized, on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to form, wholly own and operate a business corporation under the laws of this state for the purpose of owning, acquiring, improving, operating, leasing and maintaining within and/or without the corporate or county limits of such municipality, and, with the consent of other such municipality, within the corporate or county limits of any other municipality, telecommunications services and to provide telecommunications services to any person, firm, public, or private corporation, or any other user or consumer of telecommunications services, in compliance with Chapters 4 and 5 of Title 65, Tennessee Code Annotated, and all other applicable laws, rules and regulations.

SECTION 3. Unless the context otherwise requires, the term "telecommunications service" means offering or providing for hire, any two-way communications service, telephone service, telegraph service, paging service, or communications service similar to such services, regardless of the facilities used to provide such services, unless otherwise exempted from this definition by state or federal law.

SECTION 4. Notwithstanding any provision of this act to the contrary, a municipal electric system shall not provide telecommunication services unrelated to its electric service within the service area of an existing telephone cooperative with fewer than one hundred thousand (100,000) total access lines organized and operating under the provisions of Tennessee Code Annotated, Section 65-29-101 et seq; and therefore shall adhere to those regulations of the 1995 Tennessee Telecommunications Act and rules of the Tennessee Regulatory Authority which are applicable to the Telephone Co-ops, and specifically Tennessee Code Annotated, Sections 65-4-101 and 65-29-130.

SECTION 5. Tennessee Code Annotated, Section 7-52-117(d), is amended by deleting the words, figures and punctuation ", or in counties that have adopted a metropolitan government, not to exceed two thousand dollars (\$2,000)".

SECTION 6. Tennessee Code Annotated, Section 7-52-102 (10), is amended by inserting the language "metropolitan government, "between the language "county," and the word "incorporated".

SECTION 7. This act supersedes any conflicting provisions of general law, private act, charter, or metropolitan charter provisions.

SECTION 8. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1427 by adding a new section immediately preceding Section 11 as follows:

Notwithstanding any provision of this act, any provision of this code or any private act to the contrary, no municipality or any division thereof shall provide any service for which a license, certification or registration is required pursuant to Tennessee Code Annotated, Title 62, Chapter 32, Part 3, or operate a cable system as defined by Tennessee Code Annotated, Section 7-59-201(2) for the provision of cable service.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Rep. Kisber moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.....	56
Noes	29
Present and not voting.....	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis, DeBerry L., Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Goins, Halteman-Harwell, Hicks, Huskey, Jones U., Kisber, Lewis, McDaniel, McMillan, Miller, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Robinson, Sargent, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Walker, West, Westmoreland, White, Whitson, Winningham -- 56.

Representatives voting no were: Bone, Chumney, Cross, Davidson, DeBerry J., Dunn, Fraley, Godsey, Gunnels, Haley, Hargett, Hood, Jones S., Kent, Kernell, Kerr, Langster, Maddox, McAfee, Rinks, Ritchie, Roach, Sands, Scroggs, Turner (Hamilton), Walley, Williams, Windle, Wood -- 29.

Representatives present and not voting were: Hargrove, Head, Jackson, McDonald, Newton, Turner (Shelby), Mr. Speaker Naifeh -- 7.

Rep. Newton moved the previous question, which motion prevailed by the following vote:

Ayes.....	75
Noes	20

Representatives voting aye were: Arriola, Bittle, Bone, Boner, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Gunnels, Halteman-Harwell, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 75.

Representatives voting no were: Armstrong, Beavers, Bowers, Brooks, Brown, Chumney, Cooper, DeBerry J., Dunn, Givens, Goins, Haley, Hargett, Jones U., Kernell, McAfee, Miller, Pleasant, Towns, Turner (Shelby) -- 20.

Rep. Rhinehart moved that **House Bill No. 1427**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes	5
Present and not voting.....	2

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Bowers, Chumney, DeBerry J., Kernell, Towns -- 5.

Representatives present and not voting were: Brooks, Haley -- 2.

A motion to reconsider was tabled.

REMARKS

Rep. Kernell requested that the following remarks be spread upon the Journal:

I voted against this bill because it allows a regulated monopoly competitive advantages and would violate the equal protection of citizens in competition and would be in fact an endorsement of a monopoly class in violation of the Tennessee Constitution.

REGULAR CALENDAR, CONTINUED

House Bill No. 347 -- Tobacco, Tobacco Products - Adds short title designating new portion of privilege tax as "Tobacco Manufacturing Reserve Tax." Amends TCA Title 67. by *Rhinehart, *Fitzhugh, *Pinion, *Phelan, *Cole (Dyer), *Rinks, *Davidson. (*SB228 by *Cooper)

Rep. Rhinehart moved that House Bill No. 347 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 347 by adding the following language immediately preceding the enacting clause:

Whereas, Rule No. 1320-4-5-.03 of the department of revenue has been in effect since 1974 and it is desirable to codify such rule to give notice to merchants of the tax treatment of invoice policies on privilege taxes; now, therefore,

AND FURTHER AMEND by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 67, Chapter 1, Part 1, is amended by adding the following new section to be appropriately designated:

Section _____. The rate of any tax levied on the activity of harvesting or severing from the ground row crops, timber or other plants shall be equal and uniform in every county in the state. However, any such tax levied by private act or otherwise prior to the effective date of this act shall remain valid and in effect but the rate of tax shall not be increased by private act after the effective date of this act. No such tax shall be levied by any city or county after the effective date of this act unless authorized by general law.

Section 2. Tennessee Code Annotated, Title 67, is amended by adding the following new section:

Section _____. The business tax is a privilege tax imposed upon persons engaged in various businesses and activities in the state. If a dealer invoices the business tax as a separate item and passes it on to his customer, then the tax shall be added to the gross receipts and be used in determining the tax base for both business tax and sales and use tax purposes.

Section 3. This act shall take effect on becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 347**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Representatives voting no were: Towns -- 1.

A motion to reconsider was tabled.

House Bill No. 986 -- Banks and Financial Institutions - Increases fee from \$50.00 to \$100 for filing change of name or location of home or branch office of savings and loan association. Amends TCA Title 45. by *Burchett. (*SB1349 by *Cooper)

On motion, House Bill No. 986 was made to conform with **Senate Bill No. 1349**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1349 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Burchett moved that **Senate Bill No. 1349** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	1
Present and not voting.....	2

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Ritchie -- 1.

Representatives present and not voting were: Armstrong, Towns -- 2.

A motion to reconsider was tabled.

House Bill No. 1307 -- Insurance, Health, Accident - Mandates insurance coverage for care required for treatment of diabetes; also requires coverage for outpatient self-management training and educational services, including medical nutrition therapy when prescribed by a physician. Amends TCA Title 56, Chapter 7, Part 26. by *Buck, *Cole (Carter), *Cross, *McKee, *McDaniel, *Fraley, *Ferguson, *Patton, *West, *Hassell, *Kerr, *Cole (Dyer), *Newton, *Ford S., *Ritchie, *Brown, *Beavers, *Ridgeway, *Odom, *Jones U (Shelby), *Kernell, *Brooks, *Bowers, *Armstrong, *Burchett, *Gunnels,

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

*Clabough, *Tindell, *Bird, *Haley, *Robinson. (*SB1573 by *Gilbert, *Gilbert, *Crowe, *McNally, *Cooper, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crutchfield, *Dixon, *Elsa, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Kurita, *Kyle, *Leatherwood, *Miller J, *Person, *Springer, *Wilder, *Williams)

On motion, House Bill No. 1307 was made to conform with **Senate Bill No. 1573**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1573 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 3.

Rep. McKee moved that **Senate Bill No. 1573** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 425** -- Contractors - Revises fee for retirement of general contractor's license from \$25.00 to fee to be set by board. Amends TCA Title 62, Chapter 6. by *Head. (SB614 by *Carter)

Rep. Head moved that House Bill No(s). 425 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

House Bill No. 1069 -- Taxes, Sales - Includes pre-paid telephone calling cards in definition of "tangible personal property" for sales tax law Amends TCA Section 67-6-102(28). by *Head. (*SB726 by *Dixon)

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

On motion, House Bill No. 1069 was made to conform with **Senate Bill No. 726**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 726 be passed on third and final

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Head moved that **Senate Bill No. 726** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes	0
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Brooks, Godsey, Ritchie, Towns -- 4.

A motion to reconsider was tabled.

***House Bill No. 740** -- Drug and Alcohol Rehabilitation - Revises from one to three years licensing period of alcohol and drug abuse counselors. Amends TCA Title 4, Chapter 29; Title 63 and Title 68, Chapter 24, Part 6. by *West. (SB1542 by *Springer)

Rep. West moved that House Bill No. 740 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 740 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 24, is amended by deleting Part 6 in its entirety and by substituting instead Sections 2 through 5 of this act as new Part 6.

SECTION 2. (a) There is created the board of alcohol and drug abuse counselors.

(b) The board shall consist of five (5) members who are residents of this state, and who shall be appointed by the governor.

(1) Initial appointments to the board shall be as follows: two (2) nationally certified master alcohol and drug abuse counselors licensed by the department of health shall serve for terms of one (1) year and four (4) years respectively; one (1) person, who is not directly or indirectly engaged in the alcohol and drug abuse profession shall serve for a term of two (2) years; and two (2) nationally certified alcohol and drug abuse counselors licensed by the department of health shall serve for terms of four (4) years and five (5) years respectively.

(2) The Tennessee chapter of the National Association of Alcohol and Drug Abuse Counselors may submit a list of at least three (3) nominees for each appointment or vacancy to be filled and the governor may make his appointment from such list.

(3) All board members, except the member who is not directly or indirectly engaged in alcohol and drug abuse counsel profession, shall be duly registered or eligible to be registered by the board. Subsequent appointees to the board shall possess the professional qualifications required by their predecessors as herein required and shall be appointed to five-year terms.

(4) Members shall serve until their successors are appointed and qualified. Any vacancy occurring on the board shall be filled by the governor for the balance of the unexpired term. A board member who has served a five-year term is not eligible for reappointment during the one (1) year period following the appointment of his successor.

(5) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years or old or older and that at least one (1) person serving on the board is a member of a racial minority.

(c) For each day engaged in business of the board, members shall receive fifty dollars (\$50.00) as compensation and shall also receive actual expenses to be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(d) The members of the board shall annually elect a chairman and secretary.

(e) The board shall meet as frequently as necessary to implement the provisions of this act. Three (3) or more members of the board constitute a quorum for the purpose of transacting board business.

(f) For administrative purposes, the board shall be attached to the board of health related boards as defined in § 68-1-101, herein referred to as the "division".

SECTION 3. The board may license the minimal competence of alcohol and drug abuse counselors based on satisfactory completion of its licensure process, including passing examinations, maintaining competence and professional standards and paying reasonable fees. The board has the authority to promulgate regulations to establish fees for licensure, renewal and examination; to establish standards of practice, qualifications for initial licensure and continued licensure; and for any other purpose in the furtherance of this act.

SECTION 4. (a) All licenses shall be renewed each year.

(b) The board, by rule, shall establish reasonable and necessary fees so that the fees, in the aggregate produce sufficient revenue to cover the cost of administering this act.

(c) The board shall promulgate rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement the provisions of this act.

SECTION 5. The licensure of persons under this act does not prohibit other persons from providing assistance or counseling to alcohol and drug abusing and dependent persons.

SECTION 6. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

() Board of alcohol and drug abuse counselors;

SECTION 7. For the purpose of appointing members and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 740**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1573** -- Workers' Compensation - Requires that multipliers for workers' compensation insurance apply to most recently approved, currently effective advisory prospective loss cost. Amends TCA Title 4; Title 38; Title 39; Title 50 and Title 56. by *Kisber. (SB1820 by *Gilbert, *Jordan)

Rep. Kisber moved that House Bill No. 1573 be passed on third and final consideration.

Rep. Kisber moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1 as House Amendment No. 2.

Rep. West moved adoption of Consumer and Employment Affairs Committee Amendment No. 1 (corrected) as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1573 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-130, is amended by adding the following as a new subsection:

() The committee shall promptly review and comment on any bill referred to the committee by a standing committee of the general assembly. The absence of comment by the committee shall not prohibit any standing committee from acting on a bill. The committee shall review legislation referred to it for comment with respect to its impact on the following:

- (1) accidents and workplace safety;
- (2) adequacy of benefits;
- (3) stability and adequacy of relevant insurance markets;
- (4) the system of claim and dispute resolution; and
- (5) such other matters as the committee may deem relevant.

SECTION 2. Tennessee Code Annotated, Section 50-6-204(a)(1), is amended by adding the following new language at the end of the subdivision:

If an employer or an insurer has not previously requested copies of such records from a physician or hospital, then an attorney for an employer may request such records under this subdivision.

SECTION 3. Tennessee Code Annotated, Section 50-6-205(b)(2), is amended by adding the following language at the end of the subdivision:

"Evidence of the initiation or denial of such compensation is inadmissible in a subsequent proceeding concerning the issue of the compensability of injury."

SECTION 4. Tennessee Code Annotated, Section 50-6-208(f), is amended by adding the following language at the end of the subsection:

"Expenses relating to private legal counsel retained pursuant to this subsection shall be paid from the second injury fund."

SECTION 5. Tennessee Code Annotated, Section 50-6-235(d), is amended by adding the following language at the end of the subsection:

Prior to acting on the proposed rule, the commissioner shall submit the proposed rule to the special joint committee on workers' compensation of the general assembly for its review and comment. The committee shall have forty-five (45) days to review the proposed rule and transmit any comment it may have to the commissioner.

SECTION 6. Tennessee Code Annotated, Section 50-6-416, is amended by deleting the section in its entirety.

SECTION 7. Tennessee Code Annotated, Section 50-9-111, is amended by adding the following as a new subsection:

() Prior to acting on the proposed rule to implement the provisions of this chapter, the commissioner of labor shall submit the proposed rule to the special joint committee on workers' compensation of the general assembly for its review and comment. The committee shall have forty-five (45) days to review the proposed rule and transmit any comment it may have to the commissioner.

SECTION 8. Tennessee Code Annotated, Section 56-5-302(13), is amended by deleting the item and by substituting instead the following language:

(13) "Multiplier" means a workers' compensation insurance company's determination of the profits and expenses, other than loss expense and loss adjustment expense, and deviation from advisory prospective loss costs as permitted by Section 9 of this act, associated with writing workers' compensation insurance, which shall be expressed as a single multiplicative factor to be applied equally and uniformly to the advisory prospective loss costs approved by the commissioner in making rates for all classification of risks utilized by such company; and

SECTION 9. Tennessee Code Annotated, Title 56, Chapter 5, Part 3, is amended by adding the following as a new section to be appropriately designated:

Section _____. (a) Any multiplier that includes a deviation from advisory prospective loss costs in excess of twenty percent (20%) shall be approved by the commissioner prior to use. The commissioner shall also make a finding that the approval of such deviation will not lessen competition or create instability in pricing in the market. All deviations in excess of twenty percent (20%) approved by the commissioner shall be reported in writing to the advisory committee on workers' compensation and to the special joint committee on workers' compensation of the general assembly. The commissioner shall not approve a deviation in excess of twenty percent (20%) if the deviation would result in a loss cost that is excessive, inadequate or unfairly discriminatory or if such loss cost does not reasonably reflect projected losses, including loss adjustment expenses.

(b) The provisions of this section shall not apply to any filing on or after July 1, 1999.

SECTION 10. Tennessee Code Annotated, Section 56-5-306(c), is amended by adding the following at the end of the subsection:

Multipliers shall apply to the most recently approved, currently effective advisory prospective loss cost. For all multipliers subject to the requirements of Section 10, every insurer of workers'

compensation insurance shall file with the commissioner all multipliers and supporting information, at least thirty (30) days before the proposed effective date.

SECTION 11. Tennessee Code Annotated, Section 56-5-308(b)(2), is amended by adding the following language at the end of the subdivision:

In disputes concerning a multiplier, the insurer shall have the burden of persuasion that the commissioner's disapproval or failure to approve was inappropriate.

SECTION 12. Tennessee Code Annotated, Section 56-5-313, is amended by designating the existing language as subsection (a) and by adding the following as subsection (b):

(b) Any workers' compensation insurer may make written application to the commissioner for approval on its behalf of a deductible plan where the insurer can be reimbursed by the policyholder, effective for a period of not less than one (1) year, to be applied to the rates and/or premiums produced by the rating system. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to the rate service organization. The commissioner shall approve the modification for such insurer if the commissioner finds it to be justified. The commissioner shall not approve such modification if the commissioner finds that the resulting premiums would be excessive, inadequate or unfairly discriminatory.

SECTION 13. Tennessee Code Annotated, Section 56-5-314(c), is amended by adding the following as a new subdivision (7):

(7) (A) The commissioner shall not approve a plan pursuant to this subsection which does not provide for the making available of a list of the employers insured under this subsection on request to interested persons for a reasonable fee or to the department. Reasonable fee shall only include the cost of production and mailing such list.

(B) As part of the application for insurance coverage, an employer shall elect whether to be excluded from the list provided for by this subsection. Every application for the assigned risk plan shall include the following language:

THE INSURED ELECTS TO BE EXCLUDED FROM THE
LIST OF EMPLOYERS IN THE ASSIGNED RISK PLAN:

___ YES

___ NO

SECTION 14. Tennessee Code Annotated, Section 56-5-314(c)(6)(B), is amended by deleting the item in its entirety and by substituting instead the following:

(B) The advisory prospective loss cost for subdivisions (A)(i) and (ii) may not exceed that approved by the commissioner for the voluntary market. The commissioner shall annually establish the multiplier to be applied to the advisory prospective loss cost for the assigned risk plan. In establishing such multiplier the commissioner shall consider the estimated cost of providing required services pursuant to this subsection and the level of the multipliers in the voluntary market.

SECTION 15. Tennessee Code Annotated, Section 56-5-320(b), is amended in the second sentence by inserting the language "and rating rules" between the words "forms" and "filed".

SECTION 16. Tennessee Code Annotated, Section 56-5-320(c), is amended by deleting the language "rating plan that has" and by substituting instead the language "and retrospective rating plans that have".

SECTION 17. Tennessee Code Annotated, Section 50-9-101(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) It is the intent of the general assembly to promote drug-free workplaces in order that employers in this state be afforded the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace and reach their desired levels of success without experiencing the costs, delays and tragedies associated with work-related accidents resulting from drug or alcohol abuse by employees. It is further the intent of the general assembly that drug and alcohol abuse be discouraged and that employees who choose to engage in drug or alcohol abuse face the risk of unemployment and the forfeiture of workers' compensation benefits.

SECTION 18. Tennessee Code Annotated, Section 50-9-102, is amended by adding the following language at the end of the section:

Nothing in the program authorized by this chapter is intended to authorize any employer to test any applicant or employee for alcohol or drugs in any manner inconsistent with federal constitutional or statutory requirements, including those imposed by the Americans with Disabilities Act and the National Labor Relations Act.

SECTION 19. Tennessee Code Annotated, Section 50-9-103(4), is amended by deleting the item in its entirety and by substituting instead the following:

(4) "Drug" means any substance subject to testing pursuant to drug testing regulations adopted by the United States department of transportation. The commissioner of labor may add additional drugs by rule in accordance with Section 50-9-111.

SECTION 20. Tennessee Code Annotated, Section 50-9-103, is amended in items (2), (5), (8), (10), (11) and (15), by inserting the language "or alcohol" immediately after the language "drug" wherever it appears as a single word.

SECTION 21. Tennessee Code Annotated, Section 50-9-103(13), is amended by deleting the item in its entirety.

SECTION 22. Tennessee Code Annotated, Section 50-9-103(14), is amended by deleting the item in its entirety and by substituting instead the following:

(14) "Reasonable-suspicion drug testing" means drug or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of the covered employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

(A) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;

(B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(C) A report of drug or alcohol use, provided by a reliable and credible source;

(D) Evidence that an individual has tampered with a drug or alcohol test during employment with the current covered employer;

(E) Information that an employee has caused, contributed to or been involved in an accident while at work;

or

(F) Evidence that an employee has used, possessed, sold, solicited or transferred drugs or used alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery or equipment;

SECTION 23. Tennessee Code Annotated, Section 50-9-103(16), is amended by deleting the word "drugs" and by substituting instead the language "alcohol or drugs".

SECTION 24. Tennessee Code Annotated, Section 50-9-103, is amended by adding the following as new items to be appropriately designated:

() "Alcohol" shall have the same meaning in this chapter as the word does when used in the federal regulations describing the procedures used for testing of alcohol by programs operating pursuant to the authority of the United States department of transportation, currently compiled at 49 C.F.R. part 40. It is intended that the definition shall change as the department of transportation's regulations are revised.

() "Alcohol test" means an analysis of breath, or blood, or any other analysis which determines the presence and level or absence of alcohol as authorized by the United States department of transportation in its rules and guidelines concerning alcohol testing and drug testing.

SECTION 25. Tennessee Code Annotated, Section 50-9-104, is amended in the second sentence of the existing section by inserting the language "or alcohol" immediately after the word "drug" and by deleting the first sentence of the section and by substituting instead the following:

A covered employer may test a job applicant for alcohol or for any drug described in § 50-9-103; provided, that for public employees such testing shall be limited to the extent permitted by the Tennessee and federal constitutions. A covered employer may test an employee for any drug defined in Section 50-9-103(4) and at any time set out in Section 50-9-106. An employee who is not in a safety-sensitive position, as defined in Section 50-9-103(15), may be tested for alcohol only when the test is based upon reasonable suspicion as defined in Section 50-9-103(14). An employee in a safety-sensitive position may be tested for alcohol use at any occasion described in Section 50-9-106(a)(2) --(5), inclusive.

SECTION 26. Tennessee Code Annotated, Section 50-9-104, is amended by designating the existing language as subsection (a) and by adding the following as new subsections (b) and (c):

(b) The commissioner of labor shall adopt a form pursuant to rulemaking authority, which form shall be used by the employer to certify compliance with the provisions of this chapter. Substantial compliance in completing and filing the form with the commissioner of labor shall create a rebuttable presumption that the employer has established a drug-free workplace program and is entitled to the

protection and benefit of this chapter. Prior to granting any premium credit to an employer pursuant to Section 50-6-418, all insurers and self-insured pools under chapter 6, part 4, of this title, shall obtain such form from the employer. Not less than monthly insurers and self-insured pools shall submit such forms to the department of labor.

Any other employer desiring to establish a drug free workplace shall file such form with the department of labor.

(c) It is intended that any employer required to test its employees pursuant to the requirements of any federal statute or regulation shall be deemed to be in conformity with this section as to the employees it is required to test by those standards and procedures designated in that federal statute or regulation. All other employees of such employer shall be subject to testing as provided in this chapter in order for such employer to qualify as having a drug-free workplace program.

SECTION 27. Tennessee Code Annotated, Section 50-9-105, is amended in subdivisions (a)(1), (a)(6), (a)(7), and (a)(8), by inserting the words "or alcohol" immediately after each use of the single word "drug" wherever it appears in such subdivisions.

SECTION 28. Tennessee Code Annotated, Section 50-9-105(a)(4), is amended by deleting the language "both before and" and by adding immediately after the language "tested" the following language:

" , but only if the testing process has revealed a positive result for the presence of alcohol or drug use"

SECTION 29. Tennessee Code Annotated, Section 50-9-105(a)(5), is amended by deleting the subdivision in its entirety.

SECTION 30. Tennessee Code Annotated, Section 50-9-105(a)(10), is amended by deleting the subdivision and by substituting instead the following:

(10) A list of all drug classes for which the employer may test.

SECTION 31. Tennessee Code Annotated, Section 50-9-105(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) A covered employer shall include notice of drug and alcohol testing on vacancy announcements for positions for which drug or alcohol testing is required. A notice of the covered employer's drug and alcohol testing policy must also be posted in an appropriate and conspicuous location on the covered employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the covered employer during regular

business hours in the covered employer's personnel office or other suitable locations.

SECTION 32. Tennessee Code Annotated, Section 50-9-105(d), is amended in the first sentence by inserting the language "or any applicable labor law" immediately after the word "agreement".

SECTION 33. Tennessee Code Annotated, Section 50-9-105, is amended by adding the following as new subsection:

() The commissioner of labor shall develop a model notice and policy for drug free workplace programs.

SECTION 34. Tennessee Code Annotated, Section 50-9-106(a)(1), is amended in the first sentence by inserting the language "after a conditional offer of employment" between the language "must" and "require".

SECTION 35. Tennessee Code Annotated, Section 50-9-106(a)(1), is amended by inserting the following language immediately after the first sentence:

An employer may but is not required to test job applicants, after a conditional offer of employment, for alcohol.

SECTION 36. Tennessee Code Annotated, Section 50-9-106(a), is amended in the first sentence of the subsection and in subdivisions (2), and (5), by inserting the language "or alcohol" immediately after each use of the single unhyphenated word "drug".

SECTION 37. Tennessee Code Annotated, Section 50-9-106(a)(1), is amended by deleting the language "REASONABLE SUSPICION DRUG TESTING" and by substituting instead the language "REASONABLE SUSPICION DRUG AND ALCOHOL TESTING".

SECTION 38. Tennessee Code Annotated, Section 50-9-106(a)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

Follow-up drug testing. If the employee in the course of employment enters an employee assistance program for drug-related or alcohol-related problems, or a drug or alcohol rehabilitation program, the covered employer must require the employee to submit to a drug and alcohol test, as appropriate, as a follow-up to such program, unless the employee voluntarily entered the program. In those cases, the covered employer has the option to not require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a two-year period after completion of the program. Advance notice of a follow-up testing date must not be given to the employee to be tested; and

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

SECTION 39. Tennessee Code Annotated, Section 50-9-106(b), is amended by inserting the following language immediately after the word "drugs" and before the punctuation "." at the end of the subsection: "or alcohol that is in addition to the minimum testing required under this chapter".

SECTION 40. Tennessee Code Annotated, Section 50-9-107(a), is amended by deleting the language "drugs" and by substituting instead the language "drugs and alcohol".

SECTION 41. Tennessee Code Annotated, Section 50-9-107(d), is amended by deleting the language of the section in its entirety and by substituting instead the following:

(d) A covered employer shall pay the cost of all drug and alcohol tests, initial and confirmation, which the covered employer requires of employees. An employee or job applicant shall pay the costs of any additional drug or alcohol tests not required by the covered employer.

SECTION 42. Tennessee Code Annotated, Section 50-9-107(e), is amended by deleting the subsection in its entirety and by substituting instead the language:

(e) A covered employer shall not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the covered employer, for a drug-related or alcohol-related problem if the employee has not previously tested positive for drug or alcohol use, entered an employee assistance program for drug-related or alcohol-related problems or entered a drug or alcohol rehabilitation program. Unless otherwise provided by a collective bargaining agreement, a covered employer may select the employee assistance program or drug or alcohol rehabilitation program if the covered employer pays the cost of the employee's participation in the program. However, nothing in this chapter is intended to require any employer to permit or provide such a rehabilitation program.

SECTION 43. Tennessee Code Annotated, Section 50-9-107(f), is amended by inserting the language "or alcohol" immediately after the word "drug" in the first sentence.

SECTION 44. Tennessee Code Annotated, Section 50-9-108, is amended by deleting the section in its entirety and by substituting instead the following:

(a) An employee or job applicant whose drug or alcohol test result is confirmed as positive in accordance with this section shall not, by virtue of the result alone, be deemed to have a "handicap" or

"disability" as defined under federal, state or local handicap and disability discrimination laws.

(b) A covered employer who discharges or disciplines an employee or refuses to hire a job applicant in compliance with this section is considered to have discharged, disciplined or refused to hire for cause.

(c) No physician-patient relationship is created between an employee or job applicant and a covered employer or any person performing or evaluating a drug or alcohol test, solely by the establishment, implementation or administration of a drug or alcohol testing program. This section in no way relieves the person performing the test from responsibility for acts of negligence in performing the tests.

(d) Nothing in this section shall be construed to prevent a covered employer from establishing reasonable work rules related to employee possession, use, sale or solicitation of drugs or alcohol, including convictions for offenses relating to drugs or alcohol, and taking action based upon a violation of any of those rules.

(e) This section does not operate retroactively, and does not abrogate the right of an employer under state law to lawfully conduct drug or alcohol tests, or implement lawful employee drug-testing programs. The provisions of this chapter shall not prohibit an employer from conducting any drug or alcohol testing of employees which is otherwise permitted by law.

(f) If an employee or job applicant refuses to submit to a drug or alcohol test, the covered employer is not barred from discharging or disciplining the employee or from refusing to hire the job applicant. However, this subsection does not abrogate the rights and remedies of the employee or job applicant as otherwise provided in this section.

(g) This section does not prohibit an employer from conducting medical screening or other tests required, permitted or not disallowed by any statute, rule or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or testing is limited to the specific substances expressly identified in the applicable statute, rule or regulation, unless prior written consent of the employee is obtained for other tests. Such screening or testing need not be in compliance with the rules adopted by the department of labor and department of health. If applicable, such drug or alcohol testing must be specified in a collective bargaining agreement as negotiated by the appropriate certified bargaining agent before such testing is implemented.

(h) No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug or alcohol testing.

SECTION 45. Tennessee Code Annotated, Section 50-9-109, is amended by deleting the section in its entirety and by substituting instead the following:

(a) All information, interviews, reports, statements, memoranda and drug or alcohol test results, written or otherwise, received by the covered employer through a drug or alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, except in accordance with this section or in determining compensability under this chapter.

(b) Covered employers, laboratories, medical review officers, employee assistance programs, drug or alcohol rehabilitation programs and their agents who receive or have access to information concerning drug or alcohol test results shall keep all information confidential. Release of such information under any other circumstance is authorized solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, relevant to a legal claim asserted by the employee or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

- (1) The name of the person who is authorized to obtain the information;
- (2) The purpose of the disclosure;
- (3) The precise information to be disclosed;
- (4) The duration of the consent; and
- (5) The signature of the person authorizing release of the information.

(c) Information on drug or alcohol test results for tests administered pursuant to this chapter shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section is inadmissible as evidence in any such criminal proceeding.

(d) This section does not prohibit a covered employer, agent of such employer or laboratory conducting a drug or alcohol test from having access to employee drug or alcohol test information or using such information when consulting with legal counsel in connection with actions brought under or related to this section, or when the information is relevant to its defense in a civil or administrative matter. Neither is this section intended to prohibit disclosure among management as is reasonably necessary for making disciplinary decisions relating to violations of drug or alcohol standards of conduct adopted by an employer.

SECTION 46. Tennessee Code Annotated, Section 50-9-110, is amended by deleting the section in its entirety and by substituting instead the following:

A laboratory may not analyze initial or confirmation test specimens unless:

(1) The laboratory is licensed and approved by the department of health, using criteria established by the United States department of health and human services as guidelines for modeling the state drug free testing program pursuant to this section, or the laboratory is certified by the United States department of health and human services, the college of american pathologists or such other recognized authority approved by rule by the commissioner of labor; and

(2) The laboratory complies with the procedures established by the United States department of transportation for a workplace drug test program or such other recognized authority approved by the commissioner of labor.

(3) Confirmation tests may only be conducted by a laboratory that meets the requirements of (1) and (2) and is certified by either the substance abuse and mental health services administration or the college of american pathologists - forensic urine testing programs.

SECTION 47. Tennessee Code Annotated, Section 50-9-111, is amended by deleting subsections (a) and (b) in their entireties and by substituting instead the following:

(a) The commissioner of labor is authorized to adopt rules, using the rules and guidelines adopted by the department of health and criteria established by the United States department of health and human services and the United States department of transportation as guidelines for modeling the state drug and alcohol testing program, concerning, but not limited to:

(1) Standards for licensing drug and alcohol testing laboratories and suspension and revocation of such licenses;

(2) Body specimens and minimum specimen amounts that are appropriate for drug or alcohol testing;

(3) Methods of analysis and procedures to ensure reliable drug or alcohol testing results, including the use of breathalyzers and standards for initial tests and confirmation tests;

(4) Minimum cut-off detection levels for alcohol, each drug or metabolites of such drug for the purposes of determining a positive test result;

(5) Chain-of-custody procedures to ensure proper identification, labeling and handling of specimens tested; and

(6) Retention, storage and transportation procedures to ensure reliable results on confirmation tests and retests.

(b) The commissioner of labor is authorized to adopt relevant federal rules concerning drug and alcohol testing as a minimum standard for testing procedures and protections which the commissioner may exceed. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 48. Tennessee Code Annotated, Section 50-9-111, is amended by adding the following as a new subsections:

() The commissioner of labor is authorized to set education program requirements for drug free workplaces by rules promulgated in accordance with the requirements of Tennessee Code Annotated, Title 4, Chapter 5. Such requirements shall not be more stringent than the federal requirements for workplaces regulated by United States department of transportation rules.

SECTION 49. Tennessee Code Annotated, Section 50-6-121(d), is amended by adding the following language at the end of the subsection Employees of the council shall not have the status of career service employees pursuant to Title 8.

SECTION 50. Tennessee Code Annotated, Section 50-6-405(c)(1), is amended in the second sentence by adding the words "in Tennessee" between the words "existence" and "for".

SECTION 51. This act shall take effect upon becoming a law, the public welfare requiring it. The provisions of Sections 12,14,15, and 16 shall apply to events occurring on and after January 1, 1997.

Rep. Kisber moved to amend as follows:

Amendment No. 1 to Amendment No. 3

AMEND House Bill No. 1573 in the amendatory language of Section 9 by deleting subsection (b) in its entirety and by substituting instead the following as a new subsection (b):

(b) Notwithstanding any other provision of subsection (a), for filings relating to multipliers made on or after July 1, 1999, the commissioner shall consider such filings pursuant to Tennessee Code Annotated, Section 56-5-306(a).

On motion, Amendment No. 1 to Amendment No. 3 was adopted.

On motion, Amendment No. 3, as amended, was adopted.

Rep. Kisber moved that **House Bill No. 1573**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 894 -- School Transportation - Permits local school districts to allot space on exterior or interior of school buses for commercial advertising. Amends TCA Title 49, Chapter 6, Part 21. by *Beavers, *Bone, *Whitson, *Boner. (*SB1579 by *Rochelle, *Koella, *Kyle)

On motion, House Bill No. 894 was made to conform with **Senate Bill No. 1579**; the Senate Bill was substituted for the House Bill.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Rep. Beavers moved that Senate Bill No. 1579 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1579 by adding at the end of amendatory subsection (e) in Section 1 the following:

Commercial advertising shall be permitted only on the rear quarter panels of the school bus of a size not to exceed sixteen inches (16") in height and sixty inches (60") in length, be composed of black lettering on a white background, and shall not advertise alcohol or tobacco products.

Rep. Beavers requested that Senate Bill No. 1579 be moved down 10 places on the Calendar.

***House Bill No. 667** -- Aged Persons - Increases from seven to nine number of members of adult day care advisory committee. Amends TCA Title 71, Chapter 2, Part 4. by *Bowers. (SB911 by *Cohen)

Rep. Bowers moved that House Bill No. 667 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 667 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 71-2-401(5), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(5) "Related" means, for purposes of this part, a person who is related to the adult day care services recipient as a legal or biological parent, spouse, child, sibling, aunt, uncle, nephew or niece of any degree, grandparent or grandchild of any degree, or cousin to the third degree, or a step parent, or a step grandparent of any degree.

SECTION 2. Tennessee Code Annotated, Section 71-2-403, is amended by deleting the section in its entirety, and by substituting instead the following language:

The department, prior to issuing a new license shall ensure that each adult day care center has written documentation of a criminal background check on all employees and any volunteers included in the staff to client ratio. A past conviction of any crime, especially any crime involving misuse of funds or involving physical abuse shall, in the discretion of the department, be grounds for denial of a license.

SECTION 3. Tennessee Code Annotated, Section 71-2-412 is amended by deleting the first sentence in its entirety, and by substituting instead the following language:

The department shall require each adult day care center operated by a municipality or county or by a non-profit corporation and caring for five (5) or more persons to have a governing board.

SECTION 4. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 667 by adding the following new sections and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 71-2-405, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The provisional license shall be issued only if:

(1) The adult day care center seeking a license and the applicant for licensure substantially meet the standards specified in this part and the regulations adopted pursuant to this part;

(2) There are no conditions existing in the adult day care center which jeopardize the health or safety of the adults in the facility; and

(3) The applicant has adopted a plan which is satisfactory to the department for the correction of any existing violations of any regulations.

SECTION _____. Tennessee Code Annotated, Section 71-2-405, is amended by deleting subsection (c) in its entirety and by redesignating subsequent subsections accordingly.

SECTION _____. Tennessee Code Annotated, Section 71-2-408, is amended by deleting the word "fine" from the catchline and by substituting instead the word "fee", and by deleting the word "fine" in subsection (b) and by substituting instead the word "fee".

On motion, Amendment No. 2 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 667 as amended by House Health and Human Resources Committee Amendment No. 1, in the amendatory language of Section 3 by deleting the language "five (5)" and by substituting instead the language "ten (10)".

On motion, Amendment No. 3 was adopted.

Rep. Bowers moved that **House Bill No. 667**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Bill No. 47 -- Probate Law - Makes various changes to probate law Amends TCA Titles 30, 31, 32, 35, 45 and 67. by *Fowlkes. (*SB34 by *Kyle, *Fowler)

Rep. Fowlkes moved that House Bill No(s). 47 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.

House Bill No. 48 -- Emergency Communications Districts - Exempts dispatchers with ten years of experience as dispatcher from complying with statutory qualifications for dispatchers. Amends TCA Title 7, Chapter 86. by *Fowlkes. (*SB5 by *Cooper)

On motion, House Bill No. 48 was made to conform with **Senate Bill No. 5**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 5 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 5 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 7-86-201(b), is amended by adding the following language at the end of subdivision (3):

provided however, this requirement shall not apply to public safety dispatchers who, on the effective date of this act, have at least ten (10) years experience as a public safety dispatcher and are public safety dispatchers in a city having a population of not less than eight hundred sixty (860) nor more than eight hundred seventy (870) which is located in any county having a population of not less than twenty-five thousand seven hundred (25,700) nor more than twenty-six thousand (26,000) and in any county having a population of not less than twenty-eight thousand one hundred (28,100) nor more than twenty-eight thousand four hundred (28,400), all according to the 1990 federal census or any subsequent federal census.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 5 as amended, by adding the following as a new section immediately prior to the effective date section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 7-86-201, is amended by adding the following as a new subsection to be appropriately designated:

() Notwithstanding any other provision of this act or of subdivision (b)(3) of this section to the contrary, a person shall be deemed to meet the requirements of subdivision (b)(3) if such person has ten (10) years experience as a public safety dispatcher or thirty (30) years experience in emergency services or communications management.

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 5**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 318 out of order, which motion prevailed.

House Joint Resolution No. 318 -- Memorials, Recognition and Thanks - Cookeville Evening Lions Club, 75th anniversary. by *Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

REGULAR CALENDAR, CONTINUED

House Bill No. 787 -- Crime, Victims of - Includes terrorism abroad as compensable criminal injury; limits one convicted of federal offense from receiving award under Criminal Injuries Compensation Act. Amends TCA Section 29-13-104; Section 29-13-105 and Section 29-13-109(d). by *McMillan, *Brooks, *Sands, *Jackson, *Pleasant, *Haley, *Hargett. (*SB594 by *Kyle, *Haynes, *Burks)

Further consideration of House Bill No. 787, previously considered on April 14, 1997, at which time the bill was re-referred to the Finance, Ways & Means Committee, and subsequently reset to today's Calendar.

On motion, House Bill No. 787 was made to conform with **Senate Bill No. 594**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 594 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. McMillan moved that **Senate Bill No. 594** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Bill No. 1731 -- Disabled Persons - Revises provisions relative to disabled drivers, passengers and volunteers enforcing disabled parking privileges. Amends TCA Title 55, Chapter 21. by *Sands. (*SB1783 by *Jordan)

On motion, House Bill No. 1731 was made to conform with **Senate Bill No. 1783**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that Senate Bill No. 1783 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Sands moved that **Senate Bill No. 1783** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

***House Bill No. 1364** -- Health - Requires testing of newborns for streptococcus B prior to discharge from hospital or as determined by rule of commissioner of health; prohibits health insurance policies from excluding coverage for this service. Amends TCA Title 56 and Title 68. by *Burchett. (SB1688 by *Gilbert)

On motion, House Bill No. 1364 was made to conform with **Senate Bill No. 1688**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1688 be passed on third and final consideration.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Burchett moved that **Senate Bill No. 1688** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96

Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1364 and have this statement entered in the Journal: Rep(s). Goins.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1792** -- Funeral Directors and Embalmers - Permits prevailing party proving fraud in civil action relative to pre-need funeral contracts to receive treble damages, attorney fees, costs, and interest; requires yearly audits of persons that sell pre-need funeral contracts; requires commissioner to promulgate and revise rules concerning pre-need funeral contracts. Amends TCA Title 56, Chapter 34 and Title 62, Chapter 5, Part 4. by *Burchett, *Pleasant, *Haley, *Hargett. (SB1883 by *McNally)

On motion, House Bill No. 1792 was made to conform with **Senate Bill No. 1883**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1883 be passed on third and final consideration.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Rep. Burchett moved that Senate Bill No(s). 1883 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.

House Bill No. 988 -- Insurance, Health, Accident - Requires disclosure to patients by health care providers of financial contracts and arrangements between provider and health care plan, including reporting bonuses or other incentives to reward provider for reducing or limiting range and amount of services rendered. Amends TCA Title 56; Title 63; Title 68 and Title 71. by *Clabough, *Walley, *Pleasant, *Haley, *Hargett. (*SB629 by *Person)

Rep. Clabough moved that House Bill No(s). 988 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.

House Bill No. 474 -- Marriage - Authorizes present and former county executives to solemnize marriages in any county of Tennessee; validates marriages previously solemnized by county executives outside their counties of residence. Amends TCA Section 36-3-301. by *Whitson. (*SB278 by *Haun)

On motion, House Bill No. 474 was made to conform with **Senate Bill No. 278**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 278 be passed on third and final consideration.

On motion, Rep. Turner (Hamilton) withdrew Children & Family Affairs Committee Amendment No. 1.

Rep. Whitson moved that **Senate Bill No. 278** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes	14
Present and not voting	6

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Gunnels, Halteman-Harwell, Hargett, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kerr, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Bowers, DeBerry L., Dunn, Goins, Haley, Hargrove, Jackson, Lewis, McMillan, Rhinehart, Ritchie, Walley, Windle, Wood -- 14.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Representatives present and not voting were: Boyer, Chumney, Davidson, Eckles, Kent, West -- 6.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1647 -- Criminal Procedure - Encourages supreme court to permit, in appropriate cases, use of videotape equipment and recordings during preliminary stages preceding trial for any criminal offense. Amends TCA Title 16 and Title 40, by *Westmoreland. (*SB1756 by *Ramsey)

On motion, House Bill No. 1647 was made to conform with **Senate Bill No. 1756**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 1756 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Westmoreland moved that **Senate Bill No. 1756** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***Senate Bill No. 1579** -- School Transportation - Permits local school districts to allot space on exterior or interior of school buses for commercial advertising. Amends TCA Title 49, Chapter 6, Part 21. by *Rochelle, *Koella, *Kyle. (HB894 by *Beavers, *Bone, *Whitson, *Boner)

Further consideration of Senate Bill No. 1579, previously considered on today's Calendar, at which time the Senate Bill was substituted for the House Bill and was on the motion to adopt Amendment No. 2.

Rep. Beavers moved that Senate Bill No. 1579 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1579 by adding at the end of amendatory subsection (e) in Section 1 the following:

Commercial advertising shall be permitted only on the rear quarter panels of the school bus of a size not to exceed sixteen inches (16") in height and sixty inches (60") in length, be composed of black lettering on a white background, and shall not advertise alcohol or tobacco products.

On motion, Amendment No. 2 was adopted.

Rep. Arriola moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1579 by adding the following to the end of subsection (e) of Section 1 as amended:

Commercial advertising permitted by this act shall not include campaign advertising as prohibited in Tennessee Code Annotated, Section 2-19-144, and any such campaign advertising shall be expressly prohibited.

On motion, Amendment No. 3 was adopted.

Rep. McDaniel moved the previous question, which motion failed by the following vote:

Ayes.....	53
Noes	40

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Davis, Dunn, Ford, Garrett, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hicks, Huskey, Jones S., Kent, Kerr, McAfee, McDaniel, McKee, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion,

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Pleasant, Pruitt, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Towns, Walker, Walley, Westmoreland, Whitson, Wood -- 53.

Representatives voting no were: Armstrong, Arriola, Bowers, Brown, Caldwell, Chumney, Cross, Curtiss, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Hargrove, Head, Hood, Jackson, Kernell, Langster, Lewis, Maddox, McDonald, McMillan, Odom, Rhinehart, Rinks, Ritchie, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham -- 40.

Rep. Westmoreland moved the previous question, which motion prevailed by the following vote:

Ayes	62
Noes	27
Present and not voting	1

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hicks, Huskey, Jones S., Kent, Kerr, Kisber, McDaniel, McKee, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Windle, Winningham, Wood -- 62.

Representatives voting no were: Armstrong, Arriola, Brown, Caldwell, Cross, DeBerry L., Eckles, Fitzhugh, Hargrove, Head, Hood, Jackson, Langster, Lewis, Maddox, McDonald, McMillan, Odom, Rhinehart, Ritchie, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), White, Williams -- 27.

Representatives present and not voting were: Kernell -- 1.

Rep. Beavers moved that **Senate Bill No. 1579**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	65
Noes	26
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, Dunn, Eckles, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, McDaniel, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Towns, Walker, Walley, West, Westmoreland, Whitson, Williams, Wood -- 65.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Representatives voting no were: Bowers, Chumney, Cross, DeBerry L., Ferguson, Fitzhugh, Haley, Hargrove, Head, Lewis, Maddox, McDonald, McKee, McMillan, Odom, Rhinehart, Ridgeway, Ritchie, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), White, Windle, Winningham, Mr. Speaker Naifeh -- 26.

Representatives present and not voting were: Brown, Caldwell, Kernell, Langster -- 4.

A motion to reconsider was tabled.

House Bill No. 557 -- Motor Vehicles - Prohibits use of red flashing lights or red lights in combination with blue lights by anyone but full time or volunteer firefighter Amends TCA Title 55, Chapter 9. by *Pleasant, *Jones U (Shelby), *Miller L, *DeBerry L, *Bowers, *Brooks, *Cooper B, *DeBerry J, *Turner (Shelby), *Chumney, *Eckles. (*SB426 by *Dixon)

On motion, House Bill No. 557 was made to conform with **Senate Bill No. 426**; the Senate Bill was substituted for the House Bill.

Rep. Pleasant moved that Senate Bill No. 426 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 3.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Pleasant moved that **Senate Bill No. 426** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1344 -- Education - Provides for parental review and inspection, during school office hours, of all teachers' manuals, films, tapes, computer programs and networks, technological instructional materials, and any material which is to be used by, viewed by, or made available to students, without limitation. Amends TCA Title 49, Chapter 6, Part 70. by *Boyer, *Pinion, *Stamps, *Bittle, *Wood, *Scroggs, *Sharp, *Dunn, *Walker, *Kerr, *Godsey, *Pleasant, *Haley, *Hargett. (*SB1263 by *Atchley)

Rep. Boyer moved that House Bill No. 1344 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1344 by deleting the amendatory language of Section 1 of the printed bill and substituting the following:

Section 49-6-7003. The board of education shall adopt and file in its official operating policy pamphlet its policy on inspection of school instructional materials by parents or legal guardians of students enrolled in that local education agency.

On motion, Amendment No. 1 was adopted.

Rep. Boyer moved that **House Bill No. 1344**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 480 -- State Government - Allows holder of personal property not yet abandoned to contract to determine whereabouts of owner, but no contract costs may be charged to property or owner. Amends TCA Title 66, Chapter 29, Part 1. by *White, *Fitzhugh. (*SB310 by *Womack)

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Further consideration of House Bill No. 480, previously considered on May 15, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion, House Bill No. 480 was made to conform with **Senate Bill No. 310**; the Senate Bill was substituted for the House Bill.

Rep. White moved that **Senate Bill No. 310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1521 -- Education - Expands list of prohibited substances for possession of which student may be expelled to include prescription drug or any other controlled substance. Amends TCA Section 49-6-4018. by *Winningham. (*SB1341 by *Cooper)

Further consideration of House Bill No. 1521, previously considered on May 15, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion, House Bill No. 1521 was made to conform with **Senate Bill No. 1341**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that Senate Bill No. 1341 be passed on third and final consideration.

Rep. Winningham moved that Senate Bill No(s). 1341 be reset for the Regular Calendar on Wednesday, May 21, 1997, which motion prevailed.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

***House Bill No. 1680** -- Alcoholic Offenses - Increases criminal penalties for beer sales to minors Amends TCA Title 57, Chapter 5, Part 3. by *Burchett. (SB1822 by *Gilbert, *Person)

Further consideration of House Bill No. 1680, previously considered on May 15, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Burchett moved that House Bill No. 1680 be passed on third and final consideration.

Rep. Burchett requested that House Bill No. 1680 be moved to the heel of the Calendar.

House Bill No. 1691 -- Election Laws - Revises election laws. Amends TCA Title 2, Chapters 2, 3, 4, 5, 6, 7, 10, 12, and 13; and Title 5, Chapter 1. by *Head. (*SB1771 by *Rochelle)

Further consideration of House Bill No. 1691, previously considered on May 15, 1997, at which time the House adopted Amendment No. 1, and reset the bill to today's Calendar.

Rep. Head moved that House Bill No. 1691, as amended, be passed on third and final consideration.

Rep. Brown moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1691 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ___. Tennessee Code Annotated, Section 2-7-104(a), is amended by deleting the third sentence and by substituting instead the following:

Each candidate in primary elections and each independent candidate in general elections may appoint one or more poll watchers for each polling place; provided, however, at any given time, each such candidate shall have not more than one such poll watcher on duty at each polling place.

SECTION ___. Tennessee Code Annotated, Section 2-7-104(b), is amended by deleting the final sentence and by substituting instead the following:

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

In addition, each candidate in a general election may appoint one or more poll watchers for each polling place; provided, however, at any given time, each such candidate shall have not more than one such poll watcher on duty at each polling place.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Head moved that **House Bill No. 1691**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 442** -- Taxes, Privilege - Imposes taxes in same amount and manner as any repealed federal taxes, revenue to go to highway trust fund Amends TCA Title 67. by *Fowlkes, *Robinson, *Rinks, *Davis R, *Huskey, *Kent, *Haley, *Turner (Shelby), *Jones U (Shelby), *Fraley. (SB544 by *Haun, *Haynes, *Eisea, *Henry)

Further consideration of House Bill No. 442, previously considered on May 8, 1997, and May 15, 1997, and reset to today's Calendar.

On motion, House Bill No. 442 was made to conform with **Senate Bill No. 544**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 544 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 3

Rep. Kerr moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 544 by adding the following clause before the last lause of the preamble:

WHEREAS, if the Congress reduces or eliminates the federal motor fuel fee it is vital to the highways, roads and bridges of Tennessee that the current funding be maintained; and

AND FURTHER AMEND by deleting the first sentence of the amendatory language of Section 1 and by substituting instead the following:

Notwithstanding any provision of law to the contrary, if the federal government shall reduce or eliminate any or all taxes imposed by Title 26 of the United States Code and allocated by the Chapter 98 of that title of the federal Highway Trust Fund, the existing state tax imposed on the sale and/or use of such products shall be adjusted so as to maintain the amount of funding for the Tennessee Department of Transportation generated by the federal tax. The adjustment in the state tax shall become effective simultaneously with the reduction in the federal tax.

Rep. Boyer moved the previous question on Amendment No. 4, which motion prevailed.

On motion, Amendment No. 4 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Fowlkes moved that **Senate Bill No. 544**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 54
Noes 43

Representatives voting aye were: Arriola, Bittle, Boner, Bowers, Boyer, Buck, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry L., Dunn, Eckles, Ford, Fowlkes, Fraley, Gunnels, Haley, Head, Hicks, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Lewis, McAfee, McDaniel, McKee, Miller, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson -- 54.

Representatives voting no were: Armstrong, Beavers, Bird, Bone, Brooks, Brown, Burchett, Caldwell, Chumney, Cooper, Cross, Davidson, DeBerry J., Ferguson, Fitzhugh, Givens, Godsey, Goins, Halteman-Harwell, Hargett, Hargrove, Hood, Jones S., Kisber, Langster, Maddox, McDonald, McMillan, Mumpower, Newton, Odum, Pleasant, Rhinehart, Ritchie, Sands, Stulce, Turner (Hamilton), West, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 43.

A motion to reconsider was tabled.

***House Bill No. 1680** -- Alcoholic Offenses - Increases criminal penalties for beer sales to minors Amends TCA Title 57, Chapter 5, Part 3. by *Burchett. (SB1822 by *Gilbert, *Person)

Further consideration of House Bill No. 1680, previously considered on today's Calendar.

Rep. Burchett moved that House Bill No(s). 1680 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 94** -- Local Government, General - Requires local governments to act in most cost efficient manner possible Amends TCA Titles 5; 6; 7; 13; 54; 57; 67; 68 and 69. by *Haley, *Jones, S., *Pleasant. (SB549 by *Haun, *McNally)

Rep. Haley requested that House Bill No. 94 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 215** -- Criminal Procedure - Makes penalty for failure to appear by defendant as required for Class A misdemeanor or felony offense, Class E felony; makes failure to appear for Class B or Class C misdemeanor offense Class A misdemeanor. Amends TCA Section 39-16-609. by *Stulce. (SB116 by *Crutchfield)

Senate Amendment No. 1

AMEND House Bill No. 215 by deleting Section 1.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 215**, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones

U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 273** -- Guardianship - Clarifies method and standards to be employed by courts in assessing payment of expenses by fiduciaries in guardianship matters. Amends TCA Section 34-11-113. by *Buck. (SB567 by *Gilbert)

Senate Amendment No. 1

AMEND House Bill No. 273 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 34-11-113, is amended by inserting the following new subsections immediately after subsection (a) and renumbering the existing subsection accordingly:

(b) Upon approval by the court, either prior to or after payment, the fiduciary may also pay such other amounts from the property of the minor or disabled person that are reasonable considering all relevant factors, are incurred by the fiduciary in good faith on behalf of the minor or disabled person, and are intended to benefit or protect the minor or disabled person or his or her property, whether or not an actual benefit or protection is ultimately in fact attained. Such requests and/or payments shall be reviewed by the court pursuant to fiduciary standards.

(c) All other expenses, including those that do not comply with the requirements of subsection (b), may be approved by the court, either prior to or after payment, upon a determination that they are reasonable and (i) they protected or benefited the minor or disabled person or his or her property or (ii) that their payment is in the best interest of the minor or disabled person.

(d) For purposes of subsection (a), attorneys' fees shall include fees for preparing fiduciary fee applications and other related filings that are required to be submitted to the court including petitions to secure approval or reimbursement for any expenses paid by the fiduciary which meet the requirements of this section, provided that the amount of such fees are determined by the court to be reasonable in view of the services rendered.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all appropriate expenditures incurred for the benefit of a minor or disabled person relative to guardianships created before, on or after such effective date.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 273 by deleting the first sentence of Section 1(b) and by substituting instead the following:

Either prior to or after payment, the court may approve payments by the fiduciary from the property of the minor or disabled person that are reasonable considering all relevant factors, are incurred by the fiduciary in good faith on behalf of the minor or disabled person, and are intended to benefit or protect the minor or disabled person or his or her property, whether or not an actual benefit or protection is ultimately in fact attained.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to **House Bill No. 273**, which motion prevailed by the following vote:

Ayes..... 96
Noes..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 665 -- Contractors - Requires licensure of home inspection contractors and to pay fee set by board. Amends TCA Title 62, Chapter 6. by *Bowers. (*SB872 by *Haun)

Senate Amendment No. 3

AMEND House Bill No. 665 by changing the period at the end of subsection (a)(3) of the amendatory language of Section 1 to a semi-colon and adding the word "or", and by adding the following language as a new subdivision (4) to such subsection:

(4) Certification by the American Society of Home Inspectors, Inc.

AND FURTHER AMEND by deleting in its entirety the first sentence of subsection (b) of the amendatory language of Section 1 and by substituting instead the following language;

For the purpose of inspections performed by a person, firm or corporation licensed or certified in accordance with subsection (a)(1), (2) or (3), "new inspection services" means the examination and evaluation of the structural and aesthetic features of new residential, commercial and industrial buildings. For the purpose of inspections performed by a person, firm or corporation certified in accordance with subsection (a)(4), "new inspection services" means the examination and evaluation of the structural and aesthetic features only of new residential buildings.

Senate Amendment No. 4

AMEND House Bill No. 665 by adding to Section 1(a) the following new subdivision:

() Certification by the Home Inspectors of Tennessee Association, Inc. based on the association's standards in effect on May 1, 1997.

Senate Amendment No. 5

AMEND House Bill No. 665 in subsection (b) of the amendatory language in Section 1 of the printed bill by deleting the words and figures "architecture or engineering as defined in Title 62, Chapter 2" and substituting the following:

architecture, engineering or landscape architecture or is performed by a person qualified to use the title "registered interior designer", all as defined in Title 62, Chapter 2, or any work performed by a real estate appraiser under Title 62, Chapter 39.

Senate Amendment No. 6

AMEND House Bill No. 665 by adding to Section 1(a) the following new subdivision:

(4) Membership in good standing with the American Society of Home Inspectors.

Senate Amendment No. 9

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
26,100	26,400
17,000	17,200
6,700	6,950
44,500	45,000
33,010	33,500
13,680	13,750

Senate Amendment No. 10

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
14,500	14,600
34,850	35,000
27,800	28,000
7,100	7,175
31,500	31,800
31,900	32,200

Senate Amendment No. 11

AMEND House Bill No. 665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 3, 4, 5, 6, 9, 10 and 11 to **House Bill No. 665**, which motion prevailed by the following vote:

Ayes.....	86
Noes	9
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Gunnels, Halteman-Harwell, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Cross, Ferguson, Goins, Hargett, Pleasant, Ridgeway, West, Windle, Winningham -- 9.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 838 -- Solid Waste Disposal - Authorizes solid waste disposal fee to be listed as separate item in annual property tax bill and collected like delinquent taxes. Amends TCA Title 67 and Title 68, Chapter 211. by *Walley, *Fitzhugh. (*SB1599 by *Wilder)

Senate Amendment No. 2

AMEND House Bill No. 838 by inserting in the first sentence of the amendatory language of Section 1 between the words "of" and "not" the language "not less than nineteen thousand three hundred (19,300) nor more than nineteen thousand six hundred (19,600) or not less than twenty-two thousand two hundred (22,200) nor more than twenty-two thousand five hundred (22,500) or".

Senate Amendment No. 3

AMEND House Bill No. 838 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 68-211-111(a)(1), is amended by deleting subdivision (E) and substituting instead the following:

One (1) person engaged in the business of management of solid wastes or hazardous materials to be appointed by the governor.

Rep. Walley moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 838**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

Rep. Curtiss moved to lift from the table the motion to reconsider House Bill No. 848, which motion prevailed.

House Bill No. 848 -- County Officers - Authorizes county legislative body to set term of office of constables or abolish constables and to remove law enforcement powers Amends TCA Title 8, Chapter 10. by *Curtiss, *Patton. (*SB632 by *Person)

Rep. Curtiss moved to reconsider action in passing House Bill No. 848, which motion prevailed.

Rep. Curtiss moved to reconsider action in non-concurring in Senate Amendment No. 3, which motion prevailed.

Rep. Curtiss moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 848**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley,

Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1075 -- Taxes, Real Property - Requires reappraisal and equalization programs every five, instead of six, years; revises requirements during review cycle between reevaluations. Amends TCA Section 67-5-1005; Section 67-5-1601 and Section 67-5-1701. by *Rinks, *McDaniel, *Fraleigh. (*SB1174 by *Rochelle, *Dixon, *McNally)

Senate Amendment No. 3

AMEND House Bill No. 1075 by deleting Section 6, as amended by Senate Finance, Ways and Means Committee Amendment #1, and substituting instead the following:

Section 6. Tennessee Code Annotated, Section 67-5-1601, is amended by inserting the following words at the end of the second sentence of subsection (d)(3):

including the power to specify or approve any proposed computer assisted appraisal system pursuant to minimum standards which the board shall adopt in considering a proposed system.

Rep. Rinks moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1075**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker,

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1202 -- Fees - Increases probate court clerk fees in Shelby County. Amends TCA Section 8-21-401. by *DeBerry J, *Kent. (*SB731 by *Person, *Person, *Kyle)

Rep. J. DeBerry requested that House Bill No. 1202 be moved down 1 place on the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1218 -- Professions and Occupations - Requires licensing entities for attorneys, dentists, doctors, accountants, speech pathologists, optometrists and audiologists to create inactive license category which authorizes such persons to perform charitable services without compensation to 501(c)(3) organizations Amends TCA Title 23; Title 62; Title 63 and Title 67. by *McDaniel. (*SB183 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 1218 by deleting the original Section 2 in its entirety and by renumbering subsequent sections accordingly.

Rep. McDaniel moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1218**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1202 -- Fees - Increases probate court clerk fees in Shelby County. Amends TCA Section 8-21-401. by *DeBerry J, *Kent. (*SB731 by *Person, *Person, *Kyle)

Further consideration of House Bill No. 1202, previously considered on today's Message Calendar.

Rep. J. DeBerry requested that House Bill No. 1202 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1791 -- Taxes, Real Property - Creates property tax exemption for certain assisted living facility for aged owned by not-for-profit organization whose residents are very low and low income persons. Amends TCA Title 67, Chapter 5, Part 2. by *McDonald. (*SB1778 by *Graves)

Senate Amendment No. 1

AMEND House Bill No. 1791 by deleting Section 1 and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-207, is amended by adding the following new subsection:

() Subject to the general requirements of this section for exemption of federally assisted housing, there shall also be exempted under this section, the property of not-for-profit organizations used as housing for low income and very low income persons and funded as a special needs project under the HOUSE Program established by Public Chapter 900 of 1988.

Rep. McDonald moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1791**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp,

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1202 -- Fees - Increases probate court clerk fees in Shelby County. Amends TCA Section 8-21-401. by *DeBerry J, *Kent. (*SB731 by *Person, *Person, *Kyle)

Further consideration of House Bill No. 1202, previously considered on today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 1202 by adding at the end of Section 2 the following language:

In any county to which this subsection shall apply, before implementation, these provisions shall be ratified by an ordinance adopted by a two-thirds (2/3) vote of the county legislative body.

Senate Amendment No. 2

AMEND House Bill No. 1202 by deleting subdivisions (c)(3), (4), (5) and (6) of Section 2 of the printed bill and by substituting instead the following:

(3) For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary when bond is waived, recording will 66.00

(4) For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary when bond is waived, recording will 66.00

Plus for each additional page of will in excess of three (3) pages 1.00

(5) For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary or original letters of administration c.t.a., recording bond 72.00

(6) For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary or original letters of administration c.t.a., recording bond 72.00

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Plus for each additional page of will in excess of three (3) pages
1.00

Rep. J. DeBerry moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 1202**, which motion prevailed by the following vote:

Ayes.....	60
Noes	25
Present and not voting.....	11

Representatives voting aye were: Armstrong, Bittle, Boner, Bowers, Boyer, Buck, Clabough, Cole (Carter), Curtiss, Davis, DeBerry J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Odom, Patton, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, Whitson, Wood -- 60.

Representatives voting no were: Beavers, Bone, Brooks, Brown, Burchett, Cole (Dyer), Cooper, Cross, Davidson, DeBerry L., Ferguson, Goins, Jones U., Maddox, Pinion, Pleasant, Ridgeway, Ritchie, Sands, West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 25.

Representatives present and not voting were: Arriola, Caldwell, Chumney, Givens, Head, Kernell, Lewis, McDonald, Newton, Towns, Westmoreland -- 11.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 94** -- Local Government, General - Requires local governments to act in most cost efficient manner possible Amends TCA Titles 5; 6; 7; 13; 54; 57; 67; 68 and 69. by *Haley, *Jones, S., *Pleasant. (SB549 by *Haun, *McNally)

Further consideration of House Bill No. 94, previously considered on today's Message Calendar.

Rep. Hargrove moved to suspend the rules to refer House Bill No. 94 to the House State & Local Government Committee for recommendation on Tuesday, May 20, 1997.

Rep. Hargrove moved that House Bill No. 94 be placed on the Message Calendar for Wednesday, May 21, 1997, after it is heard in Committee, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Fraley moved that the rules be suspended for the purpose of introducing House Resolution No. 83 out of order, which motion prevailed.

House Resolution No. 83 -- Memorials, Academic Achievement - Monika Janee, international exchange student. by *Fraley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Fraley, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Fraley moved that the rules be suspended for the purpose of introducing House Resolution No. 84 out of order, which motion prevailed.

House Resolution No. 84 -- Memorials, Academic Achievement - Johannes Weber, international exchange student. by *Fraley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Fraley, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

On motion of Rep. Hargrove, and second by Rep. McDaniel, the following rules were suspended, without objection, for the remainder of the 1997 legislative session:

Rule No. 17: so that all memorializing and congratulatory resolutions can be placed directly on the next Consent Calendar;

Rule No. 49: the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that Local Bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

Rule No. 71: the 24-hour rule requiring all amendments to be placed on member's desks;

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

Rule No. 59: notice provisions so that all bills from the Senate with messages can be announced and automatically be placed on the next Message Calendar;

Rule No. 75: meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 80(1): so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

Rule No. 80(1): so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 599; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 266; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 21, 1997:

House Bill No. 599: by Rep. McDonald

House Bill No. 266: by Rep. Curtiss

RULES SUSPENDED

Rep. Hargrove moved to suspend the rules to allow the following bills to be heard in Committee:

House Bill No. 1917: House Local Government Sub-Committee

House Bill No. 1087: House Local Government Sub-Committee

Senate Joint Resolution No. 223: Local Government Sub-Committee

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

House Bill No. 1816: House Civil Practice Sub-Committee

Senate Joint Resolution No. 230: House Agriculture Committee

House Joint Resolution No. 281: House Agriculture Committee

House Bill No. 1856: House Family Justice Sub-Committee

Senate Joint Resolution No. 222: House Health & Human Resources Committee

House Bill No. 94: House State & Local Government Committee

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 754: Rep(s). Ritchie as prime sponsor(s).

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 430, 765, 811, 913, 980, 1034, 1650, 1736 and 1945; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 19, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 600 and 671; House Joint Resolution(s) No(s). 290.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 19, 1997

The Speaker signed the following: House Bill(s) No(s). 600 and 671; House Joint Resolution(s) No(s). 290.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

ENGROSSED BILLS

May 19, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 1427.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 306, 307 and 318.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 219, 272, 278, 282, 283, 284, 285, 289, 291, 292, 293, 294, 295, 296, 297, 300 and 301; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 19, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 347, 667, 740, 1206, 1344, 1573, 1593, 1648, 1945, 1950, 1997, 1998, 1999, 2002, 2003, 2004, 2007, 2008, 2009 and 2010.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 41; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 41** -- Memorials, Congress - Urges initiation of impeachment proceedings against U.S. District Court Judge John T. Nixon. by *Burks, *Ramsey, *Person, *Haun, *Fowler, *Crowe, *Carter, *Leatherwood, *Davis L, *Miller J, *Koella, *Williams.

MONDAY, MAY 19, 1997 -- FORTY-FOURTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 222; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 222** -- General Assembly, Studies - Creates special joint committee to study methods for increasing availability of utilization of home and community based long-term care services for elderly in wide range of settings, and options for allocating public resources for such services. by *Haynes, *Henry, *Crowe, *Carter, *Person.

ENGROSSED BILLS

May 19, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1691.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 19, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 219, 272, 278, 282, 283, 284, 285, 289, 291, 292, 293, 294, 295, 296, 297, 300 and 301.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 19, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 219, 272, 278, 282, 283, 284, 285, 289, 291, 292, 293, 294, 295, 296, 297, 300 and 301

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 299 and 318; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1340, 1345 and 1909; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 600 and 671; also, House Joint Resolution(s) No(s). 290; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 19, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 969, 1163, 1325, 1810 and 2008; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 969** -- Education - Provides for specific funding for technology equipment and necessary associated school infrastructure improvements, in addition to BEP funding. Amends TCA Title 49, Chapter 1. by *Ford J.

Senate Bill No. 1163 -- Highways, Roads and Bridges - Directs department of transportation to plan for and construct interchange on I-181 at Tinker Road, Unicoi County. by *Haun.

Senate Bill No. 1325 -- Municipal Government - Permits municipality to provide for, by ordinance, collection of delinquent property taxes in addition to present authority for current taxes. Amends TCA Section 67-5-2005. by *Graves.

***Senate Bill No. 1810** -- Education, Higher - Exempts most private degree-granting postsecondary educational institutions from making payments into tuition guaranty fund. Amends TCA Section 49-7-2018(d). by *Womack.

Senate Bill No. 2008 -- Regional Authorities - Expands jurisdiction of Carroll County Watershed Authority Amends TCA. by *Carter.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 1:00 p.m., Wednesday, May 21, 1997.